

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Plaintiffs,

v.

CARLOS CASCOS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

LENARD TAYLOR, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

**UNITED STATES' PROPOSED SCHEDULE FOR PROCEEDINGS ON
DISCRIMINATORY PURPOSE CLAIMS**

On July 20, 2016, in *Veasey v. Abbott*, the Fifth Circuit reversed this Court's judgment that SB14 was enacted with a racially discriminatory purpose and remanded that issue back to this Court for reconsideration in light of the guidance in the Court of Appeals' opinion. *Veasey v. Abbott*, No. 14-41127, 2016 WL 3923868 at *38 (5th Cir. July 20, 2016). The Fifth Circuit instructed this Court to "take the requisite time to reevaluate the evidence" regarding Plaintiffs' discriminatory purpose claim, but noted that it was "unnecessary" to do so until after the November 8, 2016, federal general election. *Id.* at *16. It also instructed that this Court's discriminatory purpose analysis should be "based on the record we have[.]" *Id.*

At an August 12, 2016, status conference, this Court ordered the parties to confer about a schedule for addressing the discriminatory purpose claim. Despite good-faith efforts, however, the parties were unable to agree on an appropriate schedule.

The United States therefore respectfully proposes the following schedule for the discriminatory purpose claim:

Friday, November 18, 2016: Plaintiffs, collectively, and Defendants, file simultaneous proposed findings of fact. Plaintiffs, collectively or individually, and Defendants, also file conclusions of law or legal briefs.

Friday, December 16, 2016: Plaintiffs, collectively or individually, and Defendants file simultaneous responsive briefs. Defendants may respond to each of Plaintiffs' opening briefs individually.

Monday, January 9, 2017: Oral argument to be held during this week, or as soon thereafter as convenient for the Court.

The United States' proposed schedule appropriately balances the various interests here without prejudicing any party. It adheres to the Fifth Circuit's suggestion that this Court not determine the discriminatory purpose claim until after the November 8, 2016, federal general election. Most importantly, however, it will permit the parties "requisite time" to review the ample record in this case and prepare careful and comprehensive findings of fact and conclusions of law, including a thorough legal analysis of the complex issue of discriminatory purpose. *Id.*

The United States' proposed schedule also recognizes the need for a prompt resolution of the discriminatory purpose issue. Because any resulting order may be followed by further proceedings, an appropriately expeditious briefing schedule will be an important step toward finality for the parties and Texas voters. The United States respectfully suggests that any

question of a permanent remedy be briefed only after this Court has made a decision on the discriminatory purpose claim.

Therefore, the United States respectfully requests that this Court enter an order adopting the briefing and argument schedule for the discriminatory purpose claim proposed above. Such briefing and argument should be based on the current record only.

Date: August 22, 2016

Respectfully submitted,

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/s/ Samuel G. Olikier-Friedland
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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2016, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Samuel G. Oliker-Friedland

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